

Re: FW: CPRA request (DCA.2018.01.14.a)

From: [REDACTED]
To: [Criswell, Tiffany@DCA](mailto:Criswell,Tiffany@DCA) <Tiffany.Criswell@dca.ca.gov>
Subject: Re: FW: CPRA request (DCA.2018.01.14.a)
Date: Thursday, February 15, 2018 9:55 AM
Size: 17 KB

Dear Ms. Criswell,

Thanks for your response. I'd like to state for the record that the CPRA specifically forbids your agency for charging anyone for a records search. You all are allowed to charge for copies and possibly for the time it takes to make them, but your gathering and my inspecting records must be free of charge.

I get what your lawyers are saying about how you organize your files, but, ultimately, that only potentially goes to whether you all might be able to avoid a search by claiming some sort of undue burden and NOT whether you all can charge for a search. You cannot. But as it happens, I haven't presently time or resources to dispute the matter any further, at least not right now.

I am concerned though that the Bureau is making important decisions about complaints based on a nonexistent policy that's only passed down through the investigative ranks by word of mouth. Can you tell me who I might get in touch with to try to get the Board to create a written policy? This is an important issue that affects the lives of a lot of people in relation to the creation of business improvement districts.

Thanks again for your help,

[REDACTED]

On Thu, Feb 15, 2018, at 8:24 AM, Criswell, Tiffany@DCA wrote:

I apologize for not getting back to you yesterday. I was in meetings for a large portion of the day.

We did research our records for "memos, policy statements, rules, regulations, notes, emails, studies, research documents, board and/or committee minutes, legislative directives, and any other types of records..." related to this subject matter which are not part of complaint investigations. There are no memos, policy statements, rules, regulations, studies, research documents, minutes, legislative directives, etc., that address this issue. Notes and emails, and other types of correspondence, are kept for two years under the Board's retention policy, and we have determined there is no correspondence that is responsive to this request for the last two years. I was made aware, through recollection by Board Staff, that there have been complaint investigations related to the subject matter that resulted in opinions by licensed experts that the tax assessment reports in them did not constitute the practice of professional engineering as defined by Business and Professions Code section 6731. As you advised me, the law does not provide for me to simply advise you that I am aware of the existence of exempt documents. The law requires me to notify you if records may be responsive to your request, and authorizes me to advise you of the cost to perform the necessary cost of research to locate records and cost of reproduction of the responsive records. Should there be records identified as being responsive to your request, and it is determined they are exempt from disclosure, I am to notify you at such time. Admittedly, I was remiss in failing to provide you what I expected to be the exorbitant cost of research to determine there were records we would most certainly advise were exempt from disclosure.